

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 374 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 offices and administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-20.5-1-11 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) Except as**
- 8 **provided in subsection (b),** "property" means real property or an
- 9 interest in real property, including the following:
- 10 (1) Any ownership interest in real property.
- 11 (2) A leasehold.
- 12 (3) A right-of-way.
- 13 (4) An easement, including a utility easement.
- 14 The term does not include personal property or an interest in personal
- 15 property.
- 16 **(b) For purposes of IC 4-20.5-22, "property" means any**
- 17 **ownership interest in real property.**
- 18 SECTION 2. IC 4-20.5-22 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2009]:
- 21 **Chapter 22. Planting Grasses and Other Plants for Energy**
- 22 **Production**
- 23 **Sec. 1. This chapter does not apply to a lease under IC 8-23-24.5.**
- 24 **Sec. 2. The intent of this chapter is to encourage the use of**
- 25 **property owned by the state to promote the growth and harvesting**
- 26 **of vegetation to be used as fuels and other energy products.**
- 27 **Sec. 3. As used in this chapter, "agency " has the meaning set**
- 28 **forth in IC 4-20.5-1-3. The term includes a state institution.**
- 29 **Sec. 4. As used in this chapter, "vegetation" refers to grasses or**
- 30 **other plants that are suitable for processing into fuels or other**
- 31 **energy products. The term does not include grasses or other plants**

1 that may be used to feed livestock.

2 **Sec. 5. To the extent permitted by federal law and when**
 3 **consistent with public safety, an agency may enter into leases with**
 4 **appropriate persons for the persons to plant, maintain, and harvest**
 5 **vegetation on state property owned or maintained by the agency**
 6 **for use in production of energy.**

7 **Sec. 6. A lease under this chapter must provide for the**
 8 **following:**

9 (1) **The lessee is responsible for planting, maintaining, and**
 10 **harvesting the vegetation at the lessee's cost.**

11 (2) **The lessee becomes the owner of the vegetation when**
 12 **harvested.**

13 (3) **The harvested vegetation must be used for the production**
 14 **of fuels or other energy products.**

15 (4) **The lease must include limitations on the height of any**
 16 **vegetation that is grown.**

17 **Sec. 7. A lease under this chapter may provide for the following:**

18 (1) **Any term of the lease that the agency considers best to**
 19 **implement the intent of this chapter, but not for more than**
 20 **four (4) years.**

21 (2) **For the lease of parcels of sizes that the agency considers**
 22 **the best to implement the intent of this chapter.**

23 (3) **Any other provisions that the agency considers useful to**
 24 **implement the intent of this chapter.**

25 **Sec. 8. The agency shall award a lease under this chapter to the**
 26 **responsive and responsible bidder who submits the highest bid for**
 27 **the particular lease.**

28 **SECTION 3. IC 5-22-21-1 IS AMENDED TO READ AS**
 29 **FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter**
 30 **applies only to personal property owned by a governmental body that**
 31 **is a state agency.**

32 (b) **This chapter does not apply to the following:**

33 (1) **The sale of timber by the department of natural resources**
 34 **under IC 14-23-4.**

35 (2) **The satisfaction of a lien or judgment by a state agency under**
 36 **court proceedings.**

37 (3) **The disposition of unclaimed property under IC 32-34-1.**

38 (4) **The sale or harvesting of vegetation (as defined in**
 39 **IC 8-23-24.5-3) under IC 8-23-24.5.**

40 (5) **The sale or harvesting of vegetation (as defined in**

- 1 **IC 4-20.5-22-4) under IC 4-20.5-22."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 374 as printed February 17, 2009.)

Senator STEELE